

Never have we had such a drouth in the history of the county. We have as fine a class of thrifty farmers and ranching people as can be found in Texas; yet with many, the matter of securing food is of gravest concern.

If the Legislature only knew the condition, I am sure they would give prompt consideration of this grave matter.

Very sincerely yours,
DORA H. (Mrs. Fred) FLEMING.

Engrossing Committee Report.

Committee Room,
Austin, Texas, Aug. 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 5 and find the same correctly engrossed.

WESTBROOK, Vice-Chairman.

Committee Report.

(Floor Report.)

Senate Chamber,
Austin, Texas, Aug. 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 9, A bill to be entitled "An Act to amend Chapter 60 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature of the State of Texas, and being an Act supplementing the Act creating the Live Stock Sanitary Commission for the State of Texas, and which is known as the Eradication of Cattle Ticks Law, so that hereafter Val Verde County, in the State of Texas, shall be placed in Zone No. 2, instead of Zone No. 1 as heretofore, and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Clark, Chairman; Hudspeth, Parr, Johnson, Dean, Buchanan of Bell, Robins.

Enrolling Committee Report.

Committee Room,
Austin, Texas, Aug. 23, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills beg leave to report that we have carefully compared Senate Concurrent Resolution No. 2, copy of which accompanies this report, and find the same correctly enrolled, and have this day at 9:30 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

S. C. R. No. 2.

By Bee.

Be it resolved by the Senate, the House of Representatives concurring, that,

Whereas, The interest of the cotton growers of our State has always been of paramount interest to our people; and,

Whereas, It has come to the knowledge of the Senate that the Hon. J. T. Heflin, a member of Congress from Alabama, will shortly visit the State; and,

Whereas, Congressman Heflin has ever been a faithful and loyal champion of the interest of the cotton growers of the South; therefore be it

Resolved by the Senate, the House of Representatives concurring, That the Hon. J. T. Heflin be invited to address a joint session of the Senate and House at such time as may be convenient to him and that the President of the Senate and the Speaker of the House be directed to telegraph this invitation to the said Hon. J. T. Heflin.

SIXTEENTH DAY.

Senate Chamber,
Austin, Texas,
Friday, August 24, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Smith.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Dayton.
Bailey.	Dean.
Bee.	Decherd.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Harley.
Caldwell.	Henderson.

Hopkins.	Page.
Hudspeth.	Robbins.
Johnson of Hall.	Smith.
Johnston of Harris.	Suiter.
Lattimore.	Westbrook.
McNealus.	Woodward.

Absent.

Gibson.	Strickland.
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Absent—Excused.

Clark.	McCollum.
Hall.	Parr.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Excused.

Senator Hall for today on account of important business, on motion of Senator Bailey.

Petitions and Memorials.

There were none today.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Hopkins:

S. B. No. 11, A bill to be entitled "An Act to amend Articles 1867 and 1868 of the Revised Civil Statutes of the State of Texas by adding thereto Article 1868a, and to repeal all laws in conflict therewith, by providing that a defendant who is in the service of the United States either as a sailor or a soldier shall not be required to answer to the merits of a demand sued upon during the time he is actively engaged as either a sailor or a soldier in the war between the United States and the Imperial Government of Germany, and providing that he shall be required to answer to the merits of such suit within ninety days from the date of the signing of a treaty of peace between the United States and the Imperial Government of Germany, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Johnston of Harris:

S. B. No. 12, A bill to be entitled "An Act to amend Section 30 of the Harris County Road Law, passed by the Thirty-third Legislature of the State of Texas, being an Act to provide a more efficient road law for Harris County, said amendment to authorize the investment by the commissioners court of the sinking funds of Harris County in the bonds of Harris County or of any district thereof regardless of the date of their maturity, where the interest on the bonds purchased shall amount, before the maturity of the bonds for which the investment is made, to a sum sufficient to retire said bonds on or before maturity; and repealing all laws in conflict therewith, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Harley:

S. B. No. 13, A bill to be entitled "An Act to further regulate the conducting of fish hatcheries and propagation of fish in this State by amending Article 4000 of the Revised Civil Statutes of this State, 1911, as amended by Chapter 146 of the Acts of the Thirty-third Legislature, providing for the distribution by State fish hatcheries of fish to private persons, providing for Game, Fish and Oyster Commissioner of the State of Texas, etc., and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Henderson:

S. B. No. 14, A bill to be entitled "An Act to amend the special road law of Cass County, Texas, enacted by the Regular Session of the Thirty-fifth Legislature, 1917, which became effective June 20, 1917, same being an Act to create a more efficient road law for Cass County, making the county commissioners ex officio road supervisors, defining their duties and fixing their salaries."

Read first time and referred to Committee on Roads, Bridges and Ferries.

Simple Resolution No. 31.

Whereas, Section 18, Article 3 of the Constitution of Texas provides that "No Senator or Representative shall, during the term for which he may be elected, be eligible to any

civil office of profit under this State which shall have been created, or the emoluments of which may have been increased during such term;" and,

Whereas, The Constitution further provides that the term of office of State Senator will be four years; therefore be it

Resolved, That the Attorney General of Texas is hereby requested to construe the aforesaid provisions of the Constitution and advise this body if a member of same, who voted to create an office during the Thirty-fourth Legislature is eligible to appointment to said office during the four year term for which he was elected.

STRICKLAND,
SMITH.

The resolution was read and Senator Henderson offered the following amendment, which was read and adopted:

Amend the resolution by striking out the third paragraph and inserting in lieu thereof the following: "Therefore, be it resolved, That the Committee on Nominations be requested to make a thorough investigation of the constitutional questions involved as to all offices or positions of emolument and report the result of their investigation to the Senate, and that said committee be requested to obtain the opinion of the Attorney General."

The resolution as amended was then adopted.

Simple Resolution No. 32.

Whereas, It has been fully demonstrated that negro soldiers stationed in Texas cities have become a serious menace to the safety and welfare of the white citizens of the towns and cities where said negro soldiers are and have been stationed; therefore be it

Resolved, That it is the sense of this Senate that the Representatives in Congress and the United States Senators from Texas be requested by this Senate to immediately confer with the Secretary of War and the President of the United States to the end that said negro soldiers be removed from this State in the interest of the peace and safety of the citizenship of Texas.

HUDSPETH.

The resolution was read and on

motion of Senator Hudspeth the same was laid on the table until tomorrow.

Simple Resolution No. 33.

Whereas, The Hon. C. W. Taylor of Bell County, formerly a member of this body, is in the city of Austin at this time; therefore be it

Resolved by the Senate of Texas, That he be invited to address the Senate and have the privilege of the floor.

BUCHANAN of Bell.
JOHNSON of Hall.

The resolution was read and adopted, and ex-Senator Taylor was presented to the Senate by the Chair and made a brief address.

Senate Concurrent Resolution No. 4.

By Dayton and Clark:

Whereas, There has been a notable controversy between certain State officials and the University of Texas in progress for more than a year; and,

Whereas, The faculty, management and alumni of the University in a written petition and memorial requested this Legislature to investigate the affairs of the said University and its management; and,

Whereas, There is existing among the people of the State the feeling that said investigation should be made; and,

Whereas, It appears to be to the best interest of the State, State government, University and its management and the people of Texas that a thorough, fair, complete and honest investigation be made of the University and its management, that the people of Texas may know the truth concerning the University and its management; therefore be it

Resolved by the Senate, the House concurring, That a committee of nine be appointed to investigate the University and its management and all charges made against them, five to be appointed by the House and members of the House and four to be appointed by the president of the Senate and members of the Senate, in a complete and thorough manner, fairly and impartially. And for securing the ends of this resolution and carrying out the same and making it effective, said committee shall

be vested with power to subpoena witnesses, compel their attendance before the committee, punish for contempt and refusal to answer questions the same as the district courts of this State, and employ a stenographer to keep the proceedings of said committee; said stenographer before entering upon the discharge of his duties shall take an affidavit to fairly, impartially and correctly report testimony and acts and doings of the committee. The committee shall determine the compensation for said stenographer.

The committee, or any member thereof, shall have full power to administer oaths to all witnesses and other parties coming before said committee, and have full and complete control of all proceedings before said committee. It shall be the duty of this committee to fully and completely investigate the University and its management in every detail deemed advisable by the committee. Seven members of this committee shall constitute a quorum to do business. Said committee shall report its findings, with such recommendations as it may deem advisable to the next regular session of the Legislature.

The members of said committee shall be allowed \$5 per day for time actually spent in investigation. Witnesses shall receive the same fees as they receive for attendance upon the district courts of this State.

Said committee shall make public notices in five daily newspapers of this State of times and places where it shall hold its meetings ten days preceding said meetings.

The sessions of said committee shall be open to the public; any and all persons desiring hearing before said committee on matters pertaining to this investigation, shall be given a hearing; therefore be it further

Resolved, That the sum of \$15,000, or so much thereof as may be necessary, is hereby set aside to bear the expenses of this committee out of the general funds of this State, not otherwise appropriated.

DAYTON.
CLARK.

The resolution was read, and Senator Dayton moved to lay the same on the table subject to be called up at 3 o'clock Monday afternoon.

Senator McNealus made the point

of order that the Legislature cannot appropriate money for any purpose by a concurrent resolution; as shown by holding with reference to Penitentiary Investigation held by the Thirty-fourth Legislature; but that such expense should be provided for by simple resolution to pay same out of the contingent expense fund.

The Chair did not rule on the point of order.

Senator Bailey moved that further consideration of the resolution and the pending point of order be postponed until next Monday.

The motion prevailed.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Aug. 24, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following:

H. C. R. No. 2, requesting the submission of additional subjects for legislation.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

Messages from the Governor.

The Chair here laid before the Senate the following messages from the Governor received today.

Pending the reading of the same, Senator McNealus objected to the same being read for the reason as contended by him, that under the constitution of this State the House has suspended the Governor from his office by voting on yesterday for his impeachment.

Senator Bailey made the point of order that the Senate cannot take cognizance of any act of the House, through rumors, newspaper reports or in any manner other than an official notice from that body, and having received none, it is proper for the Senate to receive these executive messages.

The Chair sustained the point of order and directed the secretary to continue the reading of the messages, which he did as follows:

Governor's Office,
Austin, Texas, Aug. 24, 1917.

To the Thirty-fifth Legislature in
Second Called Session:

At the request of Honorable Fritz R.

Smith, I hereby submit for your consideration the matter of remitting the State ad valorem taxes to Stonewall and Kent counties for the year 1917.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, Aug. 24, 1917.

To the Thirty-fifth Legislature in Second Called Session:

At the request of Honorable Charles M. Spradley, I hereby submit for your consideration an act incorporating and creating the Renner Independent School District of Dallas and Collin counties, Texas.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, Aug. 23, 1917.

To the Thirty-fifth Legislature in Second Called Session:

At the request of Senator Lon A. Smith, I hereby submit for your consideration a bill, hereto attached, being an Act to amend Article 7355, Chapter 1, Title 126 of the Revised Civil Statutes of Texas, of 1911, so as to exempt hobby horses, theatres, circuses, etc., from paying an occupation tax, when such hobby horses, etc., are operated during the exhibition of and under the auspices and for the benefit of and in connection with district or county agricultural fairs.

Also a bill, hereto attached, being an Act to amend Chapter 27 of the General Laws passed by the First Called Session of the Thirty-fifth Legislature . . . relating to official shorthand reporters' compensation in certain counties.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, Aug. 23, 1917.

To the Thirty-fifth Legislature in Second Called Session:

On May 24, 1917, I was informed by the Honorable Secretary of the Department of Commerce, at Washington, D. C., that he had been obliged "to close the fish-cultural station at San Marcos, Texas, because of the failure of the State to meet the conditions imposed by Congress. These conditions are,

(1) That the State shall afford

proper protection to the fish cultivated, and

(2) That the Commissioner of Fisheries and his duly authorized agents shall be accorded the right to conduct fish-cultural work and all operations connected therewith in such manner and at such times as they may regard as necessary and proper.

I deem it proper to call your attention to this matter at this time in the hope that appropriate legislation may be passed which will remedy the alleged existing handicaps about which the Department of Commerce seems to have had occasion to complain.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, Aug. 24, 1917.

To the Honorable Senate and House of Representatives of the Thirty-fifth Legislature of Texas.

I have the honor to herewith transmit for your information a copy of proclamation issued by me this the 24th day of August, A. D. 1917.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

By the Governor, Attest:

C. J. BARTLETT,
Secretary of State.

State of Texas.
Executive Office.

Proclamation.

Whereas, There exist in Harris County, Texas, certain bodies of armed men and armed individuals who are acting together and are resisting the laws of this State and are doing violence to citizens and property located in Harris County, Texas; and

Whereas, Said armed bodies of men and armed individuals have already caused the death of a number of the citizens of Harris County and are at present a serious menace to the lives of the citizens of said county and the property situated in said county; and

Whereas, The civil authorities of said Harris County and of the city of Houston situated therein have notified me of the existence of the lawless conditions hereinbefore set out, and have stated to me that the civil authorities are unable to cope with the situation and have requested that martial law

be declared in said city of Houston and said Harris County; now

Therefore, I, James E. Ferguson, Governor and commander-in-chief of the military forces, by virtue of the power and authority in me vested by the laws of the State of Texas, do declare that the condition contemplated by Article 5892 of the Revised Civil Statutes of Texas, 1911, exists in said city of Houston and in said Harris County, and do declare martial law in said city of Houston and in said county of Harris.

In testimony thereof I have hereunto set my hand and caused to be affixed the great seal of the State, in the city of Austin, the State Capital, this 24th day of August, A. D. 1917.

JAS. E. FERGUSON,
Governor of Texas.

By the Governor, Attest:

C. J. BARTLETT,
Secretary of State.

Governor's Office,
Austin, Texas, Aug. 23, 1917.

To the Thirty-fifth Legislature in
Second Called Session:

At the request of Honorable R. H. Holland, I hereby submit for your consideration a bill, hereto attached, being an Act to amend Section 30 of the Harris County Road Law, passed by the Thirty-third Legislature, being an act to provide a more efficient road law for Harris County, etc.

Respectfully submitted,

JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, Aug. 24, 1917.

To the Texas State Senate:

I ask the advice and consent of the Senate in the appointment of Honorable W. T. Davis, of San Augustine, to be judge of the First Judicial District, in place of Honorable W. R. Blackshear, resigned; and Honorable M. C. Jeffrey, of Lockhart, to be judge of the Twenty-second Judicial District, in place of Honorable F. S. Roberts, resigned.

Respectfully submitted,

JAS. E. FERGUSON,
Governor of Texas.

Senator Caldwell moved that the two nominations submitted be referred to the Committee on Nominations and that the same be considered with other nominations in executive session next Tuesday.

The motion prevailed.

Bills and Resolutions.

Simple Resolution No. 34.

Whereas, During the Regular Session of this, the Thirty-fifth Legislature, a law was enacted appropriating the sum of \$1,000,000 per year for the school years ending August 31, 1918, and August 31, 1919, for the benefit of the country schools and to be used in accordance with the provisions of said Act; and,

Whereas, In said Act, among other provisions, the following provision is made, to wit: "Provided that the State Board of Education shall, when it is necessary to extend the term of school, for one time only, apportion any amount not to exceed \$200 whether any tax has been levied or not, and State aid may be continued upon condition that the district levy and collect the required local tax"; and,

Whereas, This provision in said Act was inserted by an amendment offered in the Senate and adopted after full discussion and thereafter concurred in by the House, the purpose of this amendment being to assist the small schools that are unable to continue their terms of school for the constitutional term of six months to do so, and thereby stimulate such schools into greater effort to improve the conditions of their schools and give the children residing in such districts better educational advantages; and,

Whereas, The Superintendent of Public Instruction was present in the Senate at least part of the time during such discussion and was and is advised of the reasons why said provision is in said bill and the purposes of same; and,

Whereas, We are informed said Superintendent has indicated to the various counties and school districts of the State that no attention, or at least little attention, will be paid to this provision of the law and that only such schools as are able, financially and otherwise, to fully comply with all the provisions of the law, including the fifty cent tax, will be granted State aid; and,

Whereas, It is the opinion of this Senate that the smaller and poorer schools should not be penalized for the benefit of the larger and more wealthy districts and that granting

aid as provided by said Act will greatly stimulate the said small communities into greater effort toward longer terms and better facilities for the education of their children;

Therefore, Be it resolved by the Senate that it is the sense of this body that said law should be administered as provided by said provision and that such schools as have heretofore been unable to have a six months term of school should be granted said aid and that the Department of Education should not in any way attempt to evade this provision but that said provision should be liberally construed in favor of the smaller and weaker communities, thereby benefiting more of the scholastic population than can otherwise be done; and that the State Superintendent of Public Instruction should at once so notify each county superintendent of this construction in order that such schools may receive aid during the scholastic year 1917-1918.

SUITER.

The resolution was read and Senator Suiter moved its adoption.

Pending.

Recess.

At 12 o'clock noon, on motion of Senator McNealus, the Senate recessed until 2:30 o'clock today.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Smith.

At Ease.

By unanimous consent and upon request of Senator Bailey, the Senate stood at ease for thirty minutes.

In the Senate

House Concurrent Resolution No. 2.

The Chair laid before the Senate: H. C. R. No. 2, requesting the submission of repeal of laws creating certain new schools, etc.

On motion of Senator Caldwell, the resolution was referred to the Committee on State Affairs.

Simple Resolution No. 34.

(Pending.)

Action recurred upon pending business, S. R. No. 34, relating to the administration of the rural school appropriation.

By unanimous consent and on request of Senator Suiter, the resolution was laid on the table subject to call.

At Ease.

By unanimous consent, the Senate stood at ease from time to time until 6 o'clock.

In the Senate.

The Senate was called to order by President Pro Tem. Smith.

Message From the Governor.

At this time a messenger from the Governor appeared at the bar of the Senate with an executive message and the same was laid before the Senate and read by the Secretary as follows:

Governor's Office,
Austin, Texas, August 24, 1917.

To the Texas State Senate:

We, James E. Ferguson, Governor, Charles O. Austin, Commissioner of Insurance and Banking, and Fred W. Davis, Commissioner of Agriculture, ask the advice and consent of the Senate in the appointment of Honorable F. C. Weinert to be Commissioner of Markets and Warehouses.

Respectfully submitted,
JAS. E. FERGUSON,
CHAS. O. AUSTIN,
FRED W. DAVIS.

By the Governor.

C. J. BARTLETT,
Secretary of State.

At 4:10 o'clock p. m., August 24, 1917.

The foregoing message was read and Senator Caldwell moved to refer

the same to the Committee on Nominations.

The motion to refer prevailed.

Senator Bailey moved that these nominations be considered by the Senate in executive session, together with other nominations of the Governor, on next Tuesday morning at the hour heretofore set for that purpose.

The motion prevailed.

Senate Bill No. 12.

(By unanimous consent.)

On motion of Senator Johnston of Harris, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 12 put on its second reading by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris
Buchanan of Scurry.	Lattimore.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Floyd.	Smith.
Harley.	Suiter.
Henderson.	

Absent.

Caldwell.	Westbrook.
Strickland.	Woodward.

Absent—Excused.

Clark.	McCollum.
Gibson.	Parr.
Hall.	

The Chair laid before the Senate on second reading,

S. B. No. 12, A bill to be entitled "An Act to amend Section 30 of the Harris County Road Law, passed by the Thirty-third Legislature of the State of Texas, being an Act to provide a more efficient road law for Harris County, said amendment to authorize the investment by the commissioners court of the sinking funds of Harris County in the bonds of Harris County or of any district thereof regardless of the date of their maturity, where the interest on the bonds purchased shall amount, before the maturity of the bonds for which investment is made, to a sum sufficient to retire said bonds on or

before maturity; and repealing all laws in conflict therewith, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Johnston of Harris, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 12 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris
Buchanan of Scurry.	Lattimore.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Floyd.	Smith.
Harley.	Suiter.
Henderson.	

Absent.

Caldwell.	Westbrook.
Strickland.	Woodward.

Absent—Excused.

Clark.	McCollum.
Gibson.	Parr.
Hall.	

The bill was laid before the Senate, read third time and, on motion of Senator Johnston of Harris, was passed by the following vote:

Yeas—21.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Suiter.
Harley.	

Absent.

Lattimore.	Westbrook.
Strickland.	Woodward.

Absent—Excused.

Clark.	McCollum.
Gibson.	Parr.
Hall.	

Senator Johnston moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 13.

(By unanimous consent.)

On motion of Senator Harley, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 13 put on its second reading by the following vote:

Yeas—21.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Suiter.
Harley.	

Absent.

Lattimore.	Westbrook.
Strickland.	Woodward.

Absent—Excused.

Clark.	McCollum.
Gibson.	Parr.
Hall.	

The Chair laid before the Senate on second reading,

S. B. No. 13, A bill to be entitled "An Act to further regulate the conducting of fish hatcheries and the propagation of fish in this State by amending Article 4000 of the Revised Civil Statutes of this State, 1911, as amended by Chapter 146 of the Acts of the Thirty-third Legislature, providing for the distribution by State fish hatcheries of fish to private persons, providing for Game, Fish and Oyster Commissioner of the State of Texas, etc., and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Harley, the constitutional rule requiring bills to

be read on three several days was suspended and Senate Bill No. 13 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Smith.
Floyd.	Suiter.
Harley.	

Absent.

Robbins.	Westbrook.
Strickland.	Woodward.

Absent—Excused.

Clark.	McCollum.
Gibson.	Parr.
Hall.	

The bill was laid before the Senate, read third time and, on motion of Senator Harley, was passed by the following vote:

Yeas—21.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Smith.
Floyd.	Suiter.
Harley.	

Absent.

Robbins.	Westbrook.
Strickland.	Woodward.

Absent—Excused.

Clark.	McCollum.
Gibson.	Parr.
Hall.	

Recess.

At 6:35 o'clock p. m. Senator Hopkins moved that the Senate recess until 8:30 o'clock tonight.

The motion prevailed.

After Recess.

(Night Session.)

The Senate was called to order by President Pro Tem. Smith.

At Ease.

By unanimous consent, and on request of Senator McNealus, the Senate stood at ease subject to the call of the Chair.

In the Senate.

The Senate was called to order by President Pro Tem. Smith at 9 p. m.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Aug. 24, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has preferred charges of impeachment against Governor James E. Ferguson, and requests the Senate to notify the House of Representatives when they are ready to receive the Board of Managers, who will present certain articles of impeachment. Also the Senate is requested to fix the time of the trial in the Senate of said James E. Ferguson, and notify the House of Representatives as to the date thereof.

The following have been appointed as Board of Managers on part of the House: Messrs. Bryan, Woods, Bledsoe, Thomason of El Paso, McMillin, Haidusek, Murrell, Spencer of Wise, Cope and Fly.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

Simple Resolution No. 35.

(By unanimous consent.)

Whereas, The House of Representatives has adopted certain articles of impeachment against James E. Ferguson, Governor of Texas, and has expressed to the Senate that fact and the desire of such House to present said articles of impeachment to the Senate and has requested the Senate to notify the House when they are

ready to receive such articles of impeachment and Board of Managers selected by the House to present same; therefore be it

Resolved by the Senate of Texas, That the Secretary of the Senate at once notify the House of Representatives that the Senate has been so notified and do inform the House that the Senate will be ready to receive said articles of impeachment and said Board of Managers at once. And be it further

Resolved by the Senate, That Wednesday, August 29, beginning at 10 a. m. and continuing thereafter at such time as may be selected by the Senate as the time for the trial of said James E. Ferguson, Governor of Texas, upon the articles of impeachment, and that the House of Representatives and said Board of Managers are hereby notified as to the date thereof.

LATTIMORE.

The resolution was read and adopted.

Simple Resolution No. 36.

Be it resolved by the Senate, That the Hon. Nelson Phillips, or one of the associate justices of the Supreme Court of Texas, be now requested to appear before the bar of the Senate and administer the oath to each Senator in the impeachment trial of Governor James E. Ferguson.

HUDSPETH.

The resolution was read and adopted.

Senator Bailey made the point of order that the oath can not be administered until the Senate has first resolved itself into a court of impeachment.

The point of order was sustained.

Senator Page moved to rescind the vote by which Simple Resolution No. 36 was adopted.

The motion prevailed.

Presentation of Articles of Impeachment of the Governor.

Here, at 9:20 o'clock p. m., a committee from the House appeared before the bar of the Senate and, after being recognized by the Chair, Mr. Bledsoe, for the committee, read to the Senate the following communication:

To the Senate of the State of Texas.

Mr. President: In accordance with the resolution adopted by the House of Representatives of the Thirty-fifth Legislature of the State of Texas on the 24th day of August, A. D. 1917, we, a committee appointed for that purpose, appear before your honorable body and in the name of the House of Representatives and the people of the State of Texas do hereby impeach the Hon. James E. Ferguson, Governor of the State of Texas, of high crimes and misdemeanors in office, and for a violation of the Constitution and laws of the State, and of his oath of office.

We further inform your honorable body that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same. We therefore request that the Senate take order for the appearance of the said James E. Ferguson to answer to said impeachment, and to set a day and adopt rules for the hearing of the cause.

This committee has been appointed by the House as a Board of Managers to conduct the prosecution.

Bledsoe, Chairman; Bryan, Thomson, Spencer of Wise, Murrell, Fly, Cope, McMillin, Woods, Haidusek.

The articles of impeachment were received by the Senate and, by order of the Chair, the same were filed with the Secretary of the Senate.

Simple Resolution No. 37.

Whereas, It will be necessary for the Senate of Texas in the trial of James E. Ferguson upon articles of impeachment presented by the House to have said trial and the proceedings thereof correctly transcribed and reported; therefore be it

Resolved, That H. L. Gazeley, George E. Bell, H. P. Bickler and Charles E. Pickle be selected as the stenographers to take the testimony and report the proceedings of said trial, and that for so doing they be allowed the same fees usually allowed court reporters; that the records of said stenographers be at all times under the direction and control of the presiding officer of the Senate.

LATTIMORE.

The resolution was read and adopted.

Written Motion.

Senator Hudspeth made the following motion in writing:

I move that the private counsel of Governor James E. Ferguson be given the privileges of the floor of the Senate.

The motion was read and adopted.

Simple Resolution No. 38.

Whereas, Articles of impeachment against James E. Ferguson, Governor of Texas, have been adopted by the House of Representatives of Texas and through the Board of Managers selected by said House have this day been presented at the bar of the Senate with the request that the Senate hear and determine said charges of impeachment; now, therefore, be it

Resolved, That the Secretary of State and the Governor of Texas be each notified of the fact of the presentment of said charges and that a copy of said charges accompany each of said notices and that it be further certified that Wednesday, August 29, beginning at 10 a. m., has been set by the Senate as the time for the beginning of the hearing upon said charges; and that said James E. Ferguson be and he is summoned to appear at that time in the city of Austin at the Senate Chamber for trial on said charges. Be it further

Resolved, That the Secretary of the Senate be instructed to transmit or convey to the office of Secretary of State and the office of the Governor of Texas each a copy of this resolution and a copy of said charges, and that the House be notified that the said summons and precept have been served on said James E. Ferguson.

LATTIMORE.

The resolution was read and adopted.

Simple Resolution No. 39.

Whereas, It will be necessary for the Senate of Texas to adopt rules of procedure to govern it in the trial of James E. Ferguson, Governor, upon impeachment charges presented by the House of Representatives; now, therefore, be it

Resolved by the Senate of Texas,

That a special committee of three be appointed by the Chair to prepare and present to the Senate not later than Tuesday, August 28, such rules of procedure for adoption by the Senate.

LATTIMORE.

The resolution was read and adopted.

Special Committee Appointed.

The Chair announced the appointment of the following Senators as the Special Committee, provided for hereinabove:

Senators Dean, Bailey and Lattimore.

Articles of Impeachment.

At this time Senator Hudspeth called for a reading in full of the articles of impeachment of Governor Ferguson.

The articles in full as presented by the Board of Managers from the House were read by the Secretary of the Senate.

Note.—The articles of impeachment will be found in full on pages 12 to 17, inclusive, of the Journal of the Third Called Session.

Adjournment.

At 10 o'clock p. m. Senator Dean moved that the Senate adjourn until 10 o'clock next Tuesday morning, August 28, 1917.

The motion prevailed.

APPENDIX.

Engrossing Committee Reports.

Committee Room,

Austin, Texas, Aug. 24, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 5 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, Aug. 24, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 6 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, Aug. 24, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 9 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, Aug. 24, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 12, and find same correctly engrossed.

ALDERDICE, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Aug. 24, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 12, A bill to be entitled "An Act to amend Section 30 of the Harris County Road Law, passed by the Thirty-third Legislature of the State of Texas, being an act to provide a more efficient road law for Harris County, said amendment to authorize the investment by the commissioners court of the sinking funds of Harris County in the bonds of Harris County or of any district thereof regardless of the date of their maturity, where the interest on the bonds purchased shall amount, before the maturity of the bonds for which the investment is made, to a sum sufficient to retire said bonds on or before maturity; and repealing all laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

BAILEY, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, Aug. 24, 1917.

Hon. Lon. A. Smith, President Pro Tem. of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 11, A bill to be entitled "An Act to amend Articles 1867 and 1868 of the Revised Civil Statutes of the State of Texas by adding

thereto Article 1868a, and to repeal all laws in conflict therewith, by providing that a defendant who is in the service of the United States either as a sailor or a soldier shall not be required to answer to the merits of a demand sued upon during the time he is actively engaged as either a sailor or a soldier in the war between the United States and the imperial government of Germany, and providing that he shall be required to answer to the merits of such suit within ninety days from the signing of a treaty of peace between the United States and the imperial government of Germany, and declaring an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Bailey, Chairman; Suiter, Hopkins, Harley, Alderdice, Bee, Henderson, Lattimore, Dean.

(Floor Report.)

Senate Chamber,
Austin, Texas, Aug. 24, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 13, A bill to be entitled "An Act to further regulate the conducting of fish hatcheries and the propagation of fish in this State by amending Article 4000 of the Revised Civil Statutes of this State, 1911, as amended by Chapter 146 of the Acts of the Thirty-third Legislature, providing for the distribution by State fish hatcheries of fish to private persons, providing for Game, Fish and Oyster Commissioner of the State of Texas, etc., and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

Page, Chairman; Caldwell, Suiter, Hudspeth, Dayton, Lattimore.

(Floor Report.)

Senate Chamber,
Austin, Texas, Aug. 24, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 14, A bill to be entitled "An Act to create a more efficient

road system for Cass County, Texas, and defining the powers and duties of the commissioners court of said county relative to roads and bridges of said county, and making county commissioners of said county ex officio road supervisors of their respective districts, and providing for assistant road supervisors for each justice precinct in Cass County, Texas, and prescribing the duties and compensations, etc.,"

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Caldwell, Chairman; Smith, Buchanan of Scurry, Floyd.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas,
Tuesday, August 28, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by the Secretary, John D. McCall.

Senator Bailey requested that the Senate stand at east for 16 minutes on account of an important committee meeting.

There was no objection and it was so ordered by the Chair.

At the expiration of the time named, the Senate was called to order by President Pro Tem. Smith.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Hall.	Woodward.
Henderson.	

Absent.

Hudspeth. McCollum.

Absent—Excused.

Buchanan of Scurry. Robbins.
Gibson. Westbrook.
Harley.

Prayer by the Chaplain.